

REMARKS

In response to the Office Action mailed August 12, 2003, Applicants amend their application and request reconsideration. No claims are added or cancelled so that claims 1-6 remain pending.

The Examiner repeated the drawing requirement insisting that a section of the MPEP requires the submission of the red marked drawing showing proposed changes. Perhaps the Examiner is unaware of the recent changes in 37 CFR 1.121(d). For the convenience of the Examiner, one of the attachments to every Official Action that has been mailed in recent months is attached. This attachment explains, in capsule form, the recent changes to 37 CFR 1.121. Essentially, the USPTO has abandoned the requirement for annotated drawings marked in red except at the option of the Applicant. The section of the MPEP cited by the Examiner has clearly been trumped by the newly adopted regulation, which became mandatory on July 30, 2003 and was optional in a period leading to that deadline. The drawing correction submitted in the previous amendment entirely complied with the regulations then in force. Since that time, the regulation has been changed to require the addition in the margin of a "replacement sheet" legend. Therefore, the same replacement drawing is supplied along with the required legend.

Strictly as an accommodation to the Examiner, an annotated drawing showing the changes in red is also attached. While under the new regulations, examiners can require such drawings, it is not apparent why such a drawing could be required here. Adding hatching lines is not a change of such a nature as to require the submission of a drawing marked in red. Further, it is not understood what the Examiner means by an apparent error in hatching lines. How can any part of the wire that is described in the patent application, composed entirely of metals, be considered insulating? Hatching lines indicating an insulating material alternate in thickness whereas lines indicating an electrical conductor are uniform in thickness as in the submitted drawings. It is requested that the Figure 1 now submitted be approved to avoid further unnecessary labor.

In this Amendment the language of claim 1 is changed, consistent with the disclosure of the patent application. The language change simply makes more precise the translation of the international patent application filed in Japan, from which the present patent application is derived. Claim 1 originally stated that the first coating is an intermetallic compound of copper and zinc "in other than an α phase". It is apparent from studying the patent application that this language means that the first coating is free of the alpha phase as described in amended claim 1.

This clarifying change in claim 1 does not deviate from the original disclosure of the patent application.

Claims 1-6 were rejected as unpatentable over Shimojima et al (U.S. Patent 6,362,447, hereinafter Shimojima) in view of the prior art described in the patent application. This rejection is respectfully traversed.

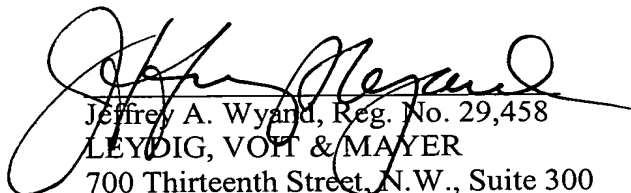
The rejection is erroneous on two independent grounds. First, as is apparent from the figures and description of Shimojima, that patent is directed to a wire for an electric discharge apparatus, a wire having a core and a single coating layer. Likewise, the wire described with respect to Figure 8 of the patent application is also a two-layer wire, i.e., a wire including a core and a single coating. By contrast, the wire that is described with respect to claims 1-6 of the patent application includes three layers, namely, a core and first and second coatings. No suggestion has been found in the description of the prior art in the patent application nor in Shimojima that would suggest a reason for adding a third layer, i.e., a second coating, to either of the prior art wires. For that fundamental reason, the asserted combination of Shimojima and the prior art described in the patent application cannot include all of the elements of claims 1-6 and therefore cannot suggest the invention.

Second, there is no suggestion in the purported combination of two different wires, each including a core and a single layer, for the invention as described in the present patent application and as claimed in claims 1-6. The wire described by Shimojima includes a core and a single coating. That coating is either the alpha phase or a mixture of the alpha and beta phases of a copper-zinc alloy. The prior art structure described with respect to Figure 8 of the patent application includes a core that is a mixture of the alpha and beta phases and a single layer that is exclusively the alpha phase of the copper-zinc alloy. Thus, neither source of prior art describes a wire that includes, surrounding a core, a coating of a copper-zinc intermetallic compound free of the alpha phase of that compound. Accordingly, no suggestion can be found in the prior art either for changing the first coating to an intermetallic compound free of the alpha phase or for adding a second coating, surrounding the first coating that is the alpha phase. Nowhere is there a suggestion in these two sources of prior art for interposing a coating that is free of the alpha phase of the intermetallic compound between the core and the outer coatings that are described by Shimojima and as prior art in the patent application.

In re Appln. of AKIYOSHI et al.
Application No. 10/088,674

For both of the foregoing reasons, independently, upon reconsideration, the rejection should be withdrawn and all of claims 1-6 allowed.

Respectfully submitted,


Jeffrey A. Wyand, Reg. No. 29,458
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

Date October 27, 2003
JAW/tps
Amendment or ROA - Regular (Revised 7/29/03)